IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6960 OF 2007

Sou. Kamal Balasaheb Nitwe.... Petitioner

versus

Appasaheb @ Satgonda Ravaji Patil..... Respondent.

Shri A.B. Borkar for the petitioner.

CORAM; A.P. DESHPANDE, J.
DATED; 08TH OCTOBER, 2007

P.C.;

1. Two orders passed in a regular Civil Appeal by the District Judge are the subject matter of challenge in this Writ Petition. First order relates to rejection of an amendment application moved by Order 6 Rule 17 CPC. The Appellate Court has rejected the same by holding that the very filing of the amendment application is not bonafide but is intended to delay the decision in the matter. Besides this fact, the application was found to be belatedly filed with no reasons assigned for the delay in making the said application. The other order is rejecting the application seeking permission to produce the documents viz. evidence at the appellate stage. The court below has held that according to the appellant's

own showing inadvertently the evidence was not produced before the trial court as the appellant failed to satisfy the criteria laid down under Order 41 Rule 27, the application has been rejected.

2. Perused the impugned orders. The same does not suffer with any illegality or infirmity. Hence the writ petition is summarily rejected.

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